

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**YURIEL ESTEBAN CROS VAZQUEZ
BETZABE MONTEJOS REYES
DEBTOR(S)**

CASE NUMBER: 07-07062 (SEK)

CHAPTER 13 ASSET CASE)

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. In order to comply with the disbursement schedules as well as the providing for surrender of secured property debt to First Bank.

3. Debtor (s) amend plan call twelve (12) payments of \$935.00, fifteen (15) payments of \$1,100.00, one (1) payment of \$800.00, one (1) payment of \$1,000.00, two (2) payment of \$0.00, nine (9) payments of \$900.00 and twenty (20) payments of \$1,025.00 for a total base of \$58,120.00.00 dollars with a provision for the payment to paid in full to BBVA, account ending number-0310 and surrender collateral to First Bank.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

YURIEL ESTEBAN CROS VAZQUEZ
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DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

NOTICE

"Parties in interest are notified the have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificated of service by the movant that adequate notice was given. Should and apposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 15th day of October, 2010.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Jose R. Carrión, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega

MARILYN VALDES ORTEGA

USDC PR 214711

P.O. Box 19559

San Juan, PR 00919-5596

Tel. (787) 758-4400

Fax. (787) 763-0144

E-mail valdeslaw@prtc.net

**United States Bankruptcy Court
District of Puerto Rico**

IN RE:

Case No. **07-07062 SEK**

CROS VAZQUEZ, YURIEL ESTEBAN & MONTEJOS REYES, BETZABE

Chapter **13**

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____

☒ AMENDED PLAN DATED: **10/15/2010**

☐ PRE ☐ POST-CONFIRMATION

Filed by: ☐ Debtor ☐ Trustee ☒ Other

I. PAYMENT PLAN SCHEDULE

\$ **935.00** x **12** = \$ **11,220.00**
 \$ **1,100.00** x **15** = \$ **16,500.00**
 \$ **800.00** x **1** = \$ **800.00**
 \$ **1,000.00** x **1** = \$ **1,000.00**
 \$ **0.00** x **2** = \$ **0.00**

\$ **900** x **9** = **8,100.00**
 \$ **1,025** x **20** = **20,500.00**
TOTAL = \$ 58,120.00

Additional Payments: _____
 \$ _____ to be paid as a LUMP SUM
 within _____ with proceeds to come from:

☐ Sale of Property identified as follows:

☐ Other:

Periodic Payments to be made other than, and in
 addition to the above:
 \$ _____ x _____ = \$ _____

PROPOSED BASE: \$ **58,120.00**

III. ATTORNEY'S FEES
 (Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee
 Disclosure Statement: \$ **2,800.00**

Signed: **/s/ YURIEL ESTEBAN CROS VAZQUEZ**
 Debtor

/s/ BETZABE MONTEJOS REYES
 Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR \$ _____

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☐ Trustee pays secured ARREARS:

Cr. _____	Cr. _____	Cr. _____
# _____	# _____	# _____
\$ _____	\$ _____	\$ _____

2. ☒ Trustee pays IN FULL Secured Claims:

Cr. BBVA BANCO	Cr. _____	Cr. _____
# 9610610310	# _____	# _____
\$ 22,623.16	\$ _____	\$ _____

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. _____	Cr. _____	Cr. _____
# _____	# _____	# _____
\$ _____	\$ _____	\$ _____

4. ☒ Debtor SURRENDERS COLLATERAL to Lien Holder:

FIRST BANK PUERT

5. ☐ Other:

6. ☐ Debtor otherwise maintains regular payments directly to:

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.
 11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other:

☐ Paid 100% / ☐ Other:

Cr. _____	Cr. _____	Cr. _____
# _____	# _____	# _____
\$ _____	\$ _____	\$ _____

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)
See Continuation Sheet

Attorney for Debtor **Martyn Valdes Omega Law Offices**

Phone: **(787) 758-4400**

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN
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	Cr	#	\$
Executory Contracts - Assumed:	ELENA SOMEILLON		

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

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TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR.

DEBTOR SURRENDERED COLATERAL TO FIRST BANK.

ADEQUATE PROTECTION PAYMENT TO BBVA UNTIL CONFIRMATION \$100.00 TO BE PAID BY TRUSTEE MONTHLY.

INSURANCE TO BBVA AT MATURITY OF SALES CONTRACT THROUGH TRIPLE S NOW EASTERN AMERICAN IN THE APROXIMATE AMOUNT OF \$500.00

DEBTORS CONSENT TO LIFT OF STAY AUTO TO BBVA (LOAN #9607562262) IN POSESSION OF THIRD PARTY

FIRST BANK: PO BOX 13817 SAN JUAN, PR 00908-3817

BBVA: PO BOX 364745 SAN JUAN, PR 00936-4745

PRIOR TO SURRENDER THE VEHICLE TO FIRST BANK, THE TRUSTEE PAID THE SECURED AMOUNT OF \$14,012.87.

ANY POST PETITION TAX REFUNDS THAT MAY PROSPECTIVELY ARISE FROM ANY TAX REFUND FOR THE DURATION OF THE PLAN WILL BE USED TO FUND THE PLAN IN ORDER TO MAXIMIZE THE DISTRIBUTION TO GENERAL UNSECURED CREDITORS, AFTER ITS CONFIRMATION.

CROS VAZQUEZ, YURIEL ESTEBAN
1604 CALLE INDO
URB EL CEREZAL
SAN JUAN, PR 00926

DEPARTAMENTO DEL TRABAJO
AVE. MUÑOZ RIVERA 505
HATO REY, PR 00918

SEA WORLD
PO BOX 361986
SAN JUAN, PR 00936-1986

MONTEJOS REYES, BETZABE
1604 CALLE INDO
URB. EL CEREZAL
SAN JUAN, PR 00926

ELENA SOMEILLON GONZALEZ
URB. EL PILAR
CALLE SAN THOMAS B-13
SAN JUAN, PR 00926

US DEPARTMENT OF EDUCATION
DIRECT LOAN SERVICES
PO BOX 5609
GREENVILLE, TX 75403-5609

Marilyn Valdes Ortega Law Offices
PO BOX 19596
SAN JUAN, PR 00919-5596

FEDERAL LITIGATION DEPT OF JUSTICE
PO BOX 9020192
SAN JUAN, PR 00902-0192

AES/ USEFG ELT BONY
1200 N 7TH ST
HARRISBURG, PA 17102

FIRST BANK PUERTO RICO
P.O. BOX 13817
SAN JUAN, PR 00908-3817

AMERICAN EXPRESS
PO BOX 1270
NEWARK, NJ 07101-1270

FIRST BANK PUERTO RICO
C/O FIA CARD SERVICES
PO BOX 15726
WILMINGTON, DE 19886-5726

BANCO POPULAR DE PR
PO BOX 70100
SAN JUAN, PR 00936-8100

FIRST STUDENT AID PROGRAM
PO BOX 4223
IOHWA CITY, IA 52244

BANCO SANTANDER
PO BOX 362589
SAN JUAN, PR 00936-2589

HSBC/ COSTCO
PO BOX 15521
WILMINGTON, DE 19805

BBVA BANCO
PO BOX 364745
SAN JUAN, PR 00936-4745

MONEY EXPRESS
PO BOX 11890
SAN JUAN, PR 00922-1890

CITIFINANCIAL
1008 AVE AMERICO MIRANDA
REPARTO METROPOLITANO SC SUITE 24
RIO PIEDRAS, PR 00921-2800

NELNET LOANS
PO BOX 17460
DENVER, CO 80217

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424 B
SAN JUAN, PR 00902

RHODE ISLAND STUDENT LOAN
560 JEFFERSON BV
WARWICK, RI 02886